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Legislative History – Montana Session Law

Chapter: 302 Session L: 2009
Bill Number: HB 451

Checklist of Bill History

History and Final Status Sheet

Introduced Bill	☒
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	☒

House	Senate
Committee: Business and Labor	Committee: Business, Labor, and Finance
Hearing Date(s): 2/12/2009	Hearing Date(s): 3/20/2009
Committee Report: 2/16/2009	Committee Report: 3/24/2009

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by:

Date:

Notes:

SK Maske

7/31/24

4/09 SENT TO ENROLLING
 4/14 RETURNED FROM ENROLLING
 4/15 SIGNED BY SPEAKER
 4/15 SIGNED BY PRESIDENT
 4/16 TRANSMITTED TO GOVERNOR
 4/24 SIGNED BY GOVERNOR
 4/27 CHAPTER NUMBER ASSIGNED
 CHAPTER NUMBER 342
 EFFECTIVE DATE: 4/24/2009 - ALL SECTIONS

HB 450 INTRODUCED BY FRENCH

LC1321 DRAFTER: MURDO

PROHIBIT RETALIATION OVER JOB-RELATED GRIEVANCES

1/05 FISCAL NOTE PROBABLE
 2/05 INTRODUCED
 2/05 REFERRED TO BUSINESS AND LABOR
 2/06 FISCAL NOTE REQUESTED
 2/12 FISCAL NOTE RECEIVED
 2/13 FISCAL NOTE SIGNED
 2/13 FISCAL NOTE PRINTED
 2/20 HEARING
 2/21 COMMITTEE VOTE FAILED; REMAINS IN COMMITTEE
 2/26 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL
 DIED IN STANDING COMMITTEE

9 9

HB 451 INTRODUCED BY EBINGER

LC1077 DRAFTER: B. CAMPBELL

REQUIRE DISCLOSURE AND WARRANTIES BY BUILDER OR DEVELOPER OF NEW
 RESIDENCES

2/05 INTRODUCED
 2/05 REFERRED TO BUSINESS AND LABOR
 2/12 HEARING
 2/16 COMMITTEE EXEC ACTION—BILL PASSED AS AMENDED
 2/16 COMMITTEE REPORT—BILL PASSED AS AMENDED
 2/18 2ND READING PASSED
 2/19 REREFERRED TO BUSINESS AND LABOR
 2/20 COMMITTEE EXEC ACTION—BILL PASSED AS AMENDED
 2/20 COMMITTEE REPORT—BILL PASSED AS AMENDED
 2/24 2ND READING PASSED
 2/25 3RD READING PASSED

14 4

51 49

14 4

58 42

61 38

TRANSMITTED TO SENATE
 3/02 REFERRED TO BUSINESS, LABOR, AND ECONOMIC AFFAIRS
 3/20 HEARING
 3/24 COMMITTEE EXEC ACTION—BILL CONCURRED
 3/24 COMMITTEE REPORT—BILL CONCURRED
 3/30 2ND READING CONCURRED ON VOICE VOTE
 3/31 3RD READING CONCURRED

11 0

46 4

40 10

RETURNED TO HOUSE
 4/07 SENT TO ENROLLING
 4/08 RETURNED FROM ENROLLING
 4/09 SIGNED BY SPEAKER
 4/09 SIGNED BY PRESIDENT
 4/09 TRANSMITTED TO GOVERNOR
 4/18 SIGNED BY GOVERNOR
 4/20 CHAPTER NUMBER ASSIGNED
 CHAPTER NUMBER 302
 EFFECTIVE DATE: 10/01/2009 - ALL SECTIONS

HB 452 INTRODUCED BY P. NOONAN

LC2200 DRAFTER: B. CAMPBELL

LIMIT HEALTH CARE INFORMATION SUBJECT TO WORK COMP DISCLOSURE

2/05 INTRODUCED
 2/05 REFERRED TO BUSINESS AND LABOR
 2/13 HEARING
 2/17 COMMITTEE VOTE FAILED; REMAINS IN COMMITTEE
 2/26 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL
 DIED IN STANDING COMMITTEE

9 9

HB 453 INTRODUCED BY P. NOONAN

LC1211 DRAFTER: O'CONNELL

REVIEW MEDICAID TRAVEL REIMBURSEMENT FOR TARGETED CASE MANAGEMENT

1 *Michael R. Reuter*
2 INTRODUCED BY *B. D. [Signature]* *Rory Hamilton* *James [Signature]*
3 (Primary Sponsor) *R. Hamilton*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING GENERAL CONTRACTORS AND BUILDERS OR
5 DEVELOPERS TO DISCLOSE CERTAIN INFORMATION AND TO PROVIDE EXPRESS WARRANTIES WITH
6 RESPECT TO THE BUILDING OR SALE OF NEW RESIDENCES." *Mike Mene*

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 NEW SECTION. **Section 1. Residential construction contracts -- disclosure and warranty**
11 **requirements.** (1) For the purposes of this section, "residential construction contract" means a contract between
12 a general contractor and an owner for the construction of a new residence or for the repair or remodeling of an
13 existing residence when the repair or remodel is in an amount of \$100,000 or more.

14 (2) All residential construction contracts that are subject to the provisions of this section must be in
15 writing and must contain the following:

16 (a) a disclosure that the general contractor has a current general liability policy;

17 (b) a disclosure that the general contractor has a workers' compensation policy or is an independent
18 contractor without employees;

19 (c) a provision setting out the billing cycle establishing the payment schedule to be followed by the
20 owner;

21 (d) a provision establishing procedures for handling change orders by the owner;

22 (e) a statement of all inspections that the general contractor will perform or have performed prior to,
23 during, or upon completion of construction and a statement that the owner is entitled to receive the results of any
24 tests conducted by the general contractor or conducted at the general contractor's request;

25 (f) a statement that the owner is entitled at the owner's expense to have any inspections conducted that
26 the owner considers necessary and that the inspections may be conducted at any stage of the construction
27 project; and

28 (g) a statement that the general contractor is providing an express warranty that is valid for a period of
29 at least 1 year from completion of the construction project. The warranty must provide detailed descriptions of
30 those components that are included or excluded from the warranty, the length of the warranty, and any specialty

warranty provisions or time periods relating to certain components. The warranty provisions must also clearly set forth the requirements that must be adhered to by the buyer, including the time and method for reporting warranty claims, in order for the warranty provision to become applicable.

NEW SECTION. Section 2. Disclosure and warranty requirements for sales of newly constructed residences. (1) This section applies only to the sale of a newly constructed residence that has not been previously occupied and where the seller is the builder or a developer who has built or had the residence built for the purpose of resale.

(2) A builder or developer that is subject to the provisions of this section is required to provide to a buyer, prior to the sale of a new residence, the following:

(a) a statement of all inspections that the general contractor performed or had performed prior to, during, or upon completion of construction of the residence that is the subject of the potential sale; and

(b) an express warranty that is valid for a period of at least 1 year from the date of the sale of the residence. The warranty must provide detailed descriptions of those components that are included or excluded from the warranty, the length of the warranty, and any specialty warranty provisions or time periods relating to certain components. The warranty provisions must also clearly set forth the requirements that must be adhered to by the buyer, including the time and method for reporting warranty claims, in order for the warranty provisions to become applicable.

NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 28, chapter 2, and the provisions of Title 28, chapter 2, apply to [sections 1 and 2].

- END -

HOUSE BILL NO. 451

INTRODUCED BY EBINGER, REINHART, POMNICHOWSKI, HAMILTON, TAYLOR, HAWK, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING GENERAL CONTRACTORS AND BUILDERS OR DEVELOPERS TO DISCLOSE CERTAIN INFORMATION AND TO PROVIDE EXPRESS WARRANTIES WITH RESPECT TO THE BUILDING OR SALE OF NEW RESIDENCES."

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(f) a statement that the owner is entitled at the owner's expense to have any inspections AND TESTS conducted that the owner considers necessary ~~and that the inspections may be conducted at any stage of the construction project;~~ and

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6 **residences.** (1) This section applies only to the sale of a newly constructed residence that has not been
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- 20 owner;
- 21 (d) a provision establishing procedures for handling change orders by the owner;
- 22 (e) a statement of all inspections AND TESTS that the general contractor will perform or have performed
- 23 prior to, during, or upon completion of construction and a statement that the owner is entitled to receive the results
- 24 of any tests conducted by the general contractor or conducted at the general contractor's request;
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- 26 conducted that the owner considers necessary ~~and that the inspections may be conducted at any stage of the~~
- 27 ~~construction project;~~ and
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APPROVED BY COMMITTEE ON BUSINESS,
LABOR AND ECONOMIC AFFAIRS

HOUSE BILL NO. 451

INTRODUCED BY EBINGER, REINHART, POMNICHOWSKI, HAMILTON, TAYLOR, HAWK, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING GENERAL CONTRACTORS AND BUILDERS OR DEVELOPERS TO DISCLOSE CERTAIN INFORMATION AND TO PROVIDE EXPRESS WARRANTIES WITH RESPECT TO THE BUILDING OR SALE OF NEW RESIDENCES."

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6 **residences.** (1) This section applies only to the sale of a newly constructed residence that has not been
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- (d) a provision establishing procedures for handling change orders by the owner;
- (e) a statement of all inspections and tests that the general contractor will perform or have performed prior to, during, or upon completion of construction and a statement that the owner is entitled to receive the results of any tests conducted by the general contractor or conducted at the general contractor's request;
- (f) a statement that the owner is entitled at the owner's expense to have any inspections and tests conducted that the owner considers necessary; and
- (g) a statement that the general contractor is providing an express warranty that is valid for a period of at least 1 year from completion of the construction project. The warranty must provide detailed descriptions of those components that are included or excluded from the warranty, the length of the warranty, and any specialty warranty provisions or time periods relating to certain components. The warranty provisions must also clearly set

forth the requirements that must be adhered to by the buyer, including the time and method for reporting warranty claims, in order for the warranty provision to become applicable.

Section 2. Disclosure and warranty requirements for sales of newly constructed residences. (1)

This section applies only to the sale of a newly constructed residence that has not been previously occupied and where the seller is the builder or a developer who has built or had the residence built for the purpose of resale.

(2) A builder or developer that is subject to the provisions of this section is required to provide to a buyer, prior to the sale of a new residence, the following:

(a) a statement of all inspections and tests that the general contractor performed or had performed prior to, during, or upon completion of construction of the residence that is the subject of the potential sale; and

(b) an express warranty that is valid for a period of at least 1 year from the date of the sale of the residence. The warranty must provide detailed descriptions of those components that are included or excluded from the warranty, the length of the warranty, and any specialty warranty provisions or time periods relating to certain components. The warranty provisions must also clearly set forth the requirements that must be adhered to by the buyer, including the time and method for reporting warranty claims, in order for the warranty provisions to become applicable.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 28, chapter 2, and the provisions of Title 28, chapter 2, apply to [sections 1 and 2].

- END -

CHAPTER NO. 302

[HB 451]

AN ACT REQUIRING GENERAL CONTRACTORS AND BUILDERS OR DEVELOPERS TO DISCLOSE CERTAIN INFORMATION AND TO PROVIDE EXPRESS WARRANTIES WITH RESPECT TO THE BUILDING OR SALE OF NEW RESIDENCES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Residential construction contracts — disclosure and warranty requirements. (1) For the purposes of this section, "residential construction contract" means a contract between a general contractor and an owner for the construction of a new residence.

(2) All residential construction contracts that are subject to the provisions of this section must be in writing and must contain the following:

(a) a disclosure that the general contractor has a current general liability policy;

(b) a disclosure that the general contractor has a workers' compensation policy or is an independent contractor without employees;

(c) a provision setting out the billing cycle establishing the payment schedule to be followed by the owner;

(d) a provision establishing procedures for handling change orders by the owner;

(e) a statement of all inspections and tests that the general contractor will perform or have performed prior to, during, or upon completion of construction and a statement that the owner is entitled to receive the results of any tests conducted by the general contractor or conducted at the general contractor's request;

(f) a statement that the owner is entitled at the owner's expense to have any inspections and tests conducted that the owner considers necessary; and

(g) a statement that the general contractor is providing an express warranty that is valid for a period of at least 1 year from completion of the construction project. The warranty must provide detailed descriptions of those components that are included or excluded from the warranty, the length of the warranty, and any specialty warranty provisions or time periods relating to certain components. The warranty provisions must also clearly set forth the requirements that must be adhered to by the buyer, including the time and method for reporting warranty claims, in order for the warranty provision to become applicable.

Section 2. Disclosure and warranty requirements for sales of newly constructed residences. (1) This section applies only to the sale of a newly constructed residence that has not been previously occupied and where the seller is the builder or a developer who has built or had the residence built for the purpose of resale.

(2) A builder or developer that is subject to the provisions of this section is required to provide to a buyer, prior to the sale of a new residence, the following:

(a) a statement of all inspections and tests that the general contractor performed or had performed prior to, during, or upon completion of construction of the residence that is the subject of the potential sale; and

(b) an express warranty that is valid for a period of at least 1 year from the date of the sale of the residence. The warranty must provide detailed descriptions of those components that are included or excluded from the warranty, the length of the warranty, and any specialty warranty provisions or time periods relating to certain components. The warranty provisions must also clearly set forth the requirements that must be adhered to by the buyer, including the time and method for reporting warranty claims, in order for the warranty provisions to become applicable.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 28, chapter 2, and the provisions of Title 28, chapter 2, apply to [sections 1 and 2].

Approved April 18, 2009

CHAPTER NO. 303

[HB 475]

AN ACT RELATING TO ELECTRONIC-FORMAT RULES AND RULEMAKING NOTICES, ELECTRONIC RULEMAKING SERVICES, AND FEES FOR THOSE RULES, NOTICES, AND SERVICES CHARGED BY THE SECRETARY OF STATE; AND AMENDING SECTIONS 2-4-305, 2-4-306, 2-4-311, AND 2-4-313, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-4-305, MCA, is amended to read:

"2-4-305. Requisites for validity — authority and statement of reasons. (1) The agency shall fully consider written and oral submissions respecting the proposed rule. Upon adoption of a rule, an agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement the reasons for overruling the considerations urged against its adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is ~~printed~~ *published* in the register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.

(2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language.

(3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement. A substantive rule may not be proposed or adopted unless:

(a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject matter of the rule as a subject upon which the agency shall or may adopt rules; or

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 12, 2009 at 8:30 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 451, 2/5/2009; HB 357, 2/5/2009

Executive Action: None

HEARING ON HB 451

Opening Statement by Sponsor:

00:00:53 Rep. Bob Ebinger (D), HD 62, opened the hearing on HB 451, Require disclosure and warranties by builder or developer of new residences.

Proponents' Testimony:

00:03:53 Dustin Stewart, Executive Director, Montana Building Association
00:07:22 Bill Pierce, Residential Builder, Helena, Montana
00:10:48 Richard Smith, Residential Builder, Bozeman, Montana
00:13:34 Rick Hill, Montana Building Industry Association
00:14:53 Carl Schweitzer, Executive Director, Montana Subcontractors Association
00:15:49 Chip Pigman, Builder, Ravalli County
00:16:40 Jack Walsh, Helena Building Industry Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:17:08 Rep. Furey
00:17:51 Mr. Stewart
00:18:39 Rep. Furey
00:18:59 Mr. Stewart
00:20:08 Rep. Boland
00:20:34 Mr. Stewart
00:21:29 Rep. Reinhart
00:21:50 Mr. Stewart
00:23:56 Rep. Reinhart
00:24:31 Mr. Stewart
00:25:36 Rep. Reinhart
00:25:38 Rep. Milburn
00:26:15 Mr. Stewart
00:27:35 Rep. Milburn
00:28:09 Mr. Stewart
00:29:26 Rep. Hunter

00:31:06 Mr. Stewart
00:32:37 Rep. Hunter
00:32:56 Mr. Stewart
00:34:33 Rep. Smith
00:35:01 Mr. Stewart
00:35:43 Rep. Reinhart
00:35:59 Mr. Stewart
00:36:11 Rep. Reinhart
00:36:16 Rep. P. Beck
00:36:25 Mr. Stewart
00:36:49 Rep. Reinhart
00:37:04 Mr. Stewart
00:37:30 Rep. Furey
00:37:56 Mr. Stewart

Closing by Sponsor:

00:39:06 Rep. Ebinger
EXHIBIT (buh33a01)

00:40:43 Chairman Wilson calls a recess.
01:04:54 Chairman Wilson resumes hearing.

HEARING ON HB 357

Opening Statement by Sponsor:

01:05:23 Rep. Tom Berry (R), HD 45, opened the hearing on HB 357, Shorten delay period for when contractor pays % on late payment to subcontractor.

Proponents' Testimony:

01:06:28 Carl Schweitzer, Executive Director. Montana Subcontractors Association
01:11:45 Zach Pallister, Montana Subcontractors Association
01:14:36 Katherine Smith, CFO, Dick Anderson Construction
01:17:55 Cary Hegreberg, Montana Contractors Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:19:52 Rep. Berry

Discussion on Committee Bill:

01:20:27 Chairman Wilson

EXHIBIT (buh33a02)

01:22:27 Rep. Milburn

01:22:35 Chairman Wilson

01:22:42 Mr. Campbell

01:23:21 Chairman Wilson

01:23:46 Mr. Campbell

01:24:23 Chairman Wilson

01:24:47 Rep. Reichner

01:25:09 Chairman Wilson

01:25:59 Rep. Noonan

01:26:12 Mr. Campbell

01:26:36 Chairman Wilson

01:26:41 Mr. Campbell

01:26:51 Chairman Wilson

01:27:30 **Motion:** Chairman Wilson moves to request and introduce, allowing Cascade County to acquire a liquor license from the City of Great Falls as a committee bill.

01:27:47 **Motion/Vote:** Rep. Reichner **CALLED THE QUESTION ON REQUESTING AND INTRODUCING A COMMITTEE BILL.** Motion carried unanimously by voice vote. Rep. Augare and Arntzen voting by proxy.

01:28:31 Chairman Wilson

Additional Documents

ADJOURNMENT

01:30:29 Adjournment: 10:00 A.M.

Santella Baglivo, Secretary

sb

Additional Documents:

EXHIBIT ([buh33aad.pdf](#))

EXHIBIT 1 BUH
 DATE 2-12-08
 # 451

Bob Ebinger

From: eileen mcgovern [mcgov00@hotmail.com]
Sent: Thursday, July 03, 2008 6:34 PM
To: rhawk@bresnan.net
Cc: mcgov00@msn.com; JP Pomnichowski
Subject: contractor reform

Hi, my name is Eileen McGovern. I live in Bozeman, Montana. I have been corresponding with Bev Perry and Joy Ooka for several months now - since my son sent me Joy's letter that appeared in the Billings Gazette. As far as I know, her letter has not appeared in the Bozeman paper.

Our contractor walked, liened us and sued us. We have learned over almost four years of litigation that we are missing several footings and basement headers over our windows. The concrete garage walls are cracked all of the way through in two spots. Our furnace is less than half the size of the one specified on the approved plans. We freeze every winter. Our two story living room wall is cracking and we are being told it is flexing because it was not framed properly. There is a lot more, but I don't want to list everything here. The house may not be fixable and even if it is, we are being told it would most likely be cheaper to demolish it and rebuild.

He sued us even though his contract required disputes be resolved through mandatory arbitration. We have since learned that having been sued, any consumer protection and possible criminal investigation are denied us. It is an excellent tactic. We can't even file a complaint with the BBB. State agencies have replied over the last few years that they don't get involved when there is ongoing litigation. Interesting thing is that we went to the police asking for an investigation only a few days after receiving a termination letter and a 'final bill' for a completed home. The husband and wife builders tried to obtain money - the same amount as their final bill - from our mortgage fund without our knowledge or consent. The title company woman called us and we went to the police. Well, they then sued us in civil court. Soon after, the police officer told us our case would be better suited there. We have tried again to get some kind of investigation and our pleas fall on deaf ears. Sheriff's deputy told us, 'he countered.' That was it. We were liened by a supplier for materials we had paid the builder for - so had to pay again.

We did everything we thought we could in hiring these two. I called the State to check on his registration. We actually stayed in a friend's house which he built. He lived around the corner and was on the Homeowner Assn Board. We never saw this coming. I have written to the State about their worthless commercials on hiring a 'registered' contractor. It gives folks a false sense of security. I have asked the State what would make one not be able to be a registered contractor. I was told only two things. Nonpayment of the \$53 or if he/she lets someone use his/her number.

Well, after sinking our life savings into this house, we are almost \$200,000 in debt for our legal fees with no end in sight. Civil litigation is expensive and, combined with the stress that comes with it, has ruined our lives and my health. It is impossible to be able to recoup our losses at our age. Needless to say, the builders' insurance company is paying for his defense.

Even if we can afford to stay in until we get a trial and get a judgment-possibly over a year and a half from now - we may not collect a dime. Contractors can hide their assets and/or declare bankruptcy. We were even told that if a contractor declares bankruptcy, our suit could be thrown out because it is a liability while his suit against us would stay as it is an asset. Also, even were he to give us a check for millions, if he declares bankruptcy within a given period of time, that money would have to be paid back - even if we had spent it. We would be considered preferred creditors. In a bankruptcy proceeding, they would not allow one creditor to get money while others get nothing.

Also, we have brought the City into our suit. The framing and foundation were written up as approved on the inspection sheet.

We have had a truck pull up on the empty lot next door flashing its lights into our bedroom window at dusk. We had septage thrown on our door while we were out of town. We had a 6x8 foot third story window broken with a chunk of concrete at 1:20 a.m. The matching window was spared as the thrower missed and just dented the soffit. We don't know who did all of these acts. We live on a cul-de-sac so we are not on the way to anywhere. We were the only people in our neighborhood who had any of these problems. Even the investigating officer said we were 'targeted.'

We have been sued for filing a complaint with the Consumer Protection Agency - which didn't help us at all. We were sued for reporting the septage incident to the police. We have learned that the builder told folks and some subs and suppliers that we did not pay him. We paid him every penny he asked for until he called a termination because - he said - we talked to subs!

So, as you can see, we feel the legal cards are stacked against the consumer. The lien is still on our house as our first attorney didn't tell us we could bond it off. He had problems we only learned about later. Liens can be filed with no proof whatsoever. Once you are liened and sued, it is virtually impossible to get a home loan to help you pay your legal bills. Your construction loan funds are frozen. No lender in town would give us a loan. We were only able to get a small one on the internet.

I could go on and on, but I will stop here. We were not aware of the lack of protection until we needed it. Even the media here does not seem interested. I am being told by folks that their legislators are telling them that they are not aware of this problem. Lack of reporting by the media may be partly to blame. Joy's letter did not appear in the Bozeman Chronicle. I have written to an editor and a reporter about the 'silence' here in Bozeman. Didn't do any good.

If you would like to stop and see the house while you are in Bozeman, please give us a call. Our number is 556-9714. We are located in Bridger Creek at 801 Turnberry Court. Thanks for your time.

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Thursday, February 12, 2009

Time: 8:30 am

Place: Capitol

Room: 152

BILLS and RESOLUTIONS HEARD:

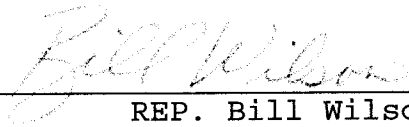
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 357, HB 451

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

COMMENTS:



REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 2/12

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare	X	
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock	X	
Rep. Mike Milburn	X	
Rep. Pat Noonan	X	
Rep. Scott Reichner	X	
Rep. Cary Smith	X	
Rep. Gordon Vance	X	
Rep. Jeffery Welborn	X	
Rep. Bill Wilson	X	

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 2/12

Bill No. HB 451 Sponsor(s) Rep. Ebinger

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Bill Pierce	Pierce Assoc.	X		
CHIP PILGMAN	PILGMAN BUILDERS	X		
DUSTIN STEWART	MBIA	X		
JACK WALSH	HBIA	X		
Elaine Marcille	Helen Builders	X		
Amanda Schlieman	General Public	X		
Chazzell Lund	General Public	X		
Ron Hill	MBIA	X		
Cary Hegreberg	Contractors Asso	X		
RICHARD SMITH	MBIA	X		
Carl Swartz	MBIA Sup. Bldg	X		
Ron Bartsch	MBIA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Amendments to House Bill No. 451
1st Reading Copy

Requested by Representative Bob Ebinger

For the House Business and Labor Committee

Prepared by Bartley Campbell
February 9, 2009 (1:40pm)

1. Page 1, line 22.
Following: "inspections"
Insert: "and tests"
2. Page 1, line 25.
Following: "inspections"
Insert: "and tests"
3. Page 1, line 26 through line 27.
Following: "necessary"
Strike: "and" on line 26 through "project" on line 27
4. Page 2, line 11.
Following: "inspections"
Insert: "and tests"

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 16, 2009 at 7:06 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 444, 2/5/2009, HB 481, 2/5/2009,
HB 542, 2/5/2009, HB 565, 2/5/2009,
HB 587, 2/5/2009

Executive Action: HB 284, HB 323, HB 408, HB 451

EXECUTIVE ACTION ON HB 284

00:00:51 **Motion:** Rep. Reinhart moved that **HB 284 DO PASS.**

00:01:47 **Motion:** Rep. Reinhart moved that **HB 284 BE AMENDED.**
EXHIBIT (buh36a01)

Discussion:

00:04:25 Rep. Milburn
00:05:03 Rep. Reinhart
00:05:18 Rep. Arntzen
00:06:22 Rep. Reinhart
00:06:42 Rep. Reichner

00:07:53 **Vote:** Motion failed 9-9 by roll call vote with
Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep.
Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and
Rep. Wilson voting aye. Rep. Berry voted by proxy.

Discussion:

00:08:25 Rep. Milburn
00:10:05 Rep. Smith
00:10:46 Rep. Furey
00:11:14 Rep. Reinhart
00:12:20 Rep. B. Beck

00:13:07 **Vote:** Motion failed 6-12 by roll call vote, with Rep.
Reinhart, Rep. Augare, Rep. Boland, Rep. Hunter, Rep.
Noonan, and Rep. Wilson voting aye. Rep. Berry voted by
proxy.

00:14:12 **Motion/Vote:** Rep. Welborn moved that **HB 284 BE TABLED
AND THE VOTE REVERSED.** Motion carried unanimously by
voice vote. Rep. Berry voted by proxy.

EXECUTIVE ACTION ON HB 323

00:14:56 **Motion:** Rep. Milburn moved that **HB 323 DO PASS.**

00:15:50 **Motion:** Rep. Milburn moved that **HB 323 BE AMENDED.**
EXHIBIT(buh36a02)

Discussion:

00:17:00 Mr. Campbell

00:19:10 Rep. Smith

00:19:32 Rep. Milburn

00:19:42 **Vote:** Motion carried unanimously by voice vote.
Rep. Berry voted by proxy.

00:19:58 **Motion:** Rep. Milburn moved that **HB 323 DO PASS AS**
AMENDED.

Discussion:

00:20:08 Rep. Vance

00:20:30 Rep. B. Beck

00:21:18 Rep. Augare

00:21:46 **Vote:** Motion failed 9-9 by roll call vote with Rep.
Arntzen, Rep. Beck, Rep. Klock, Rep. Milburn, Rep.
Reichner, Rep. Smith, Rep. Vance, Rep. Welborn voting
aye. Rep. Berry voted by proxy.

EXECUTIVE ACTION ON HB 408

00:23:08 **Motion:** Rep. Reinhart moved that **HB 408 DO PASS.**

Discussion:

00:23:28 Rep. Arntzen

00:24:49 Rep. Smith

00:25:34 Rep. Hunter

00:26:19 Rep. P. Beck

00:26:59 Chairman Wilson

00:27:22 Rep. Reinhart

00:28:02 Rep. Augare

00:29:51 Rep. Boland

00:30:22 Rep. Fleming

00:31:00 Rep. Milburn called the question.

00:31:06 Chairman Wilson

00:31:22 **Vote:** Motion failed 8-10 by roll call vote with Rep. Augare, Rep. Boland, Rep. Furey, Rep. Klock, Rep. Noonan, Rep. Reinhart, Rep. Welborn, and Rep. Wilson voting aye.

00:32:29 **Motion/Vote:** Rep. Welborn moved that **HB 408 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 451

00:32:51 **Motion:** Rep. Reinhart moved that **HB 451 DO PASS**.

Discussion:

00:34:02 Mr. Campbell
00:35:19 Rep. B. Beck
00:35:40 Mr. Campbell
00:36:18 Chairman Wilson

00:36:33 **Motion:** Rep. Beck moved that **HB 451 BE AMENDED**.
EXHIBIT(buh36a03)

Discussion:

00:36:51 Rep. Milburn
00:37:38 Chairman Wilson
00:37:46 Rep. Smith
00:38:30 Rep. Furey
00:39:33 Rep. Hunter
00:39:54 Rep. P. Beck

00:40:28 **Vote:** Motion carried 13-5 by roll call vote with Rep. Milburn, Rep. Reichner, Rep. Smith, Rep. Vance, and Rep. Welborn voting no.

00:41:17 **Vote:** Motion carried unanimously.

00:42:28 **Motion:** Rep. Reinhart moved that **HB 451 DO PASS AS AMENDED**.

00:42:48 **Vote:** Motion carried 14-4 by voice vote with Rep. Milburn, Rep. Reichner, Rep. Smith, and Rep. Vance voting no.

00:44:00 Chairman Wilson calls a recess.
01:02:04 Chairman Wilson resumes hearing.

HEARING ON HB 587

Opening Statement by Sponsor:

01:03:22 Rep. David Howard (R), HD 60, opened the hearing on
HB 587, Prohibit illegal aliens from securing
professional or occupational license.

EXHIBIT (buh36a04)

Proponents' Testimony:

01:06:31 Mary Beveridge, Self, Helena, Montana

Opponents' Testimony:

01:08:23 Jamee Greer, Montana Human Rights Network

01:10:43 Shahid Haque-Hausrath, Immigration Attorney, Helena,
Montana

Informational Testimony: None

Questions from Committee Members and Responses:

01:19:43 Rep. Smith
01:20:13 Rep. Howard
01:20:37 Rep. Smith
01:20:49 Rep. Howard
01:21:11 Rep. Furey
01:21:13 Rep. Howard
01:22:08 Rep. Furey
01:22:18 Rep. Howard
01:22:27 Rep. Furey
01:22:37 Rep. Howard
01:23:08 Rep. Furey
01:23:10 Rep. Howard
01:23:12 Rep. B. Beck
01:23:50 Rep. Howard
01:24:07 Rep. B. Beck
01:24:16 Rep. Howard
01:24:30 Rep. B. Beck
01:24:43 Rep. Howard
01:25:18 Rep. Noonan
01:25:47 Rep. Howard
01:26:25 Rep. Hunter
01:26:42 Rep. Howard
01:26:46 Rep. Hunter
01:26:57 Rep. Howard
01:27:03 Rep. Hunter

01:27:22 Rep. Howard
01:27:55 Rep. Smith
01:28:37 Rep. Howard
01:29:13 Rep. Arntzen
01:29:28 Jerry Keck, Administrator, Employment Relations
Division, Department of Labor and Industry (DLI)
01:29:39 Rep. Arntzen
01:29:46 Mr. Keck
01:30:27 Rep. Arntzen
01:30:31 Mr. Keck
01:30:38 Rep. Reinhart
01:30:57 Mr. Haque-Hausrath
01:32:00 Rep. Reinhart
01:32:14 Mr. Haque-Hausrath
01:32:53 Rep. Reinhart
01:33:08 Rep. Howard

Closing by Sponsor:

01:33:30 Rep. Howard

HEARING ON HB 565

Opening Statement by Sponsor:

01:34:22 Rep. Timothy Furey (D), HD 91, opened the hearing on
HB 565, Implement Montana veterans supplemental health
insurance program.

Proponents' Testimony:

01:37:40 Charlie Cromwell, Self, Missoula, Montana
01:40:47 Sen. Cliff Larsen, SD 50
01:41:39 Frank Cote, Blue Cross Blue Shield Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:42:26 Rep. Smith
01:42:43 Rep. Furey
01:43:32 Rep. B. Beck
01:43:52 Mr. Cromwell
01:44:43 Rep. B. Beck
01:44:58 Mr. Cromwell
01:45:26 Rep. B. Beck
01:45:31 Mr. Cromwell

01:45:31 Rep. B. Beck
01:45:37 Mr. Cromwell
01:45:56 Rep. Reinhart
01:46:01 Mr. Cromwell
01:46:41 Rep. Reinhart
01:46:50 Rep. Furey
01:47:00 Mr. Campbell
01:47:15 Rep. Reinhart
01:47:19 Rep. Furey
01:48:27 Rep. Reinhart
01:48:36 Rep. Furey
01:48:36 Rep. Reinhart
01:48:46 Rep. Furey
01:49:22 Rep. Smith
01:49:50 Rep. Furey
01:50:06 Rep. Smith

Closing by Sponsor:

01:50:20 Rep. Furey

01:51:15 Chairman Wilson calls a recess.
02:08:28 Vice Chairwoman Reinhart resumes hearing.

HEARING ON HB 481

Opening Statement by Sponsor:

02:08:42 Rep. Gordon Hendrick (R), HD 14, opened the hearing on HB 481, Work comp coverage for volunteer public safety workers.

Proponents' Testimony:

02:14:53 Bruce Charles, Volunteer Fire Chief
[EXHIBIT \(buh36a05\)](#)
02:30:15 Leonard Lundby, Montana Fire Alliance

Opponents' Testimony:

02:31:22 Bob Worthington, Montana Municipal Insurance Agency
02:41:27 Harold Blattie, Montana Association of Counties
02:43:56 Nancy Butler, Montana State Fund
02:46:52 Jacqueline Lenmark, American Insurance Association

Informational Testimony:

02:47:56 Jerry Keck, Administrator, Employment Relations
Division, DLI

Questions from Committee Members and Responses:

02:48:16 Rep. Smith
02:48:29 Mr. Charles
02:48:32 Rep. Smith
02:48:55 Mr. Charles
02:49:19 Rep. Furey
02:49:47 Mr. Charles
02:50:12 Rep. Furey
02:50:39 Ms. Butler
02:51:03 Rep. Furey
02:51:24 Ms. Butler
02:51:42 Rep. Furey
02:51:55 Mr. Charles
02:52:13 Rep. Arntzen
02:52:31 Mr. Charles
02:54:13 Rep. Noonan
02:55:05 Mr. Worthington
02:55:19 Rep. Hunter
02:55:28 Mr. Worthington
02:55:35 Rep. Smith
02:55:58 Mr. Charles

Closing by Sponsor:

02:59:21 Rep. Hendrick

03:03:42 Rep. Arntzen
03:03:52 Chairman Wilson

HEARING ON HB 444

Opening Statement by Sponsor:

03:04:13 Rep. Deborah Kottel (D), HD 20, opened the hearing on
HB 444, Require prevailing union wage in local
government privatization contracts.

Proponents' Testimony:

03:07:23 Jim Stone, International Brotherhood of Teamsters,
Local 2
03:11:05 Allan Ekblad, International Brotherhood of Teamsters,
Local 400
03:12:47 Terry Minow, MEA-MFT

03:13:29 Keith Allen, International Brotherhood of Teamsters,
Local 233
03:14:02 JD Lynch, Montana State Building Trades
03:14:16 Robert Bergsing, International Brotherhood of
Teamsters, Local 103
03:14:45 Robert Johnson, Montana AFL-CIO
03:14:59 Jerry Keck, Administrator, Employment Relations
Division, Department of Labor and Industry

Opponents' Testimony:

03:15:33 Harold Blattie, Montana Association of Counties
03:17:48 Ronda Wiggers, County Treasurers
03:18:47 Tim Ravandal, Self, Business Owner
03:20:16 Margaret Morgan, Montana Independent Electrical
Contractors
03:20:57 Reily Johnson, National Federation of Independent
Business

Informational Testimony: None

Questions from Committee Members and Responses:

03:22:48 Rep. B. Beck
03:23:16 Rep. Kottel
03:23:27 Rep. B. Beck

Closing by Sponsor:

03:23:33 Rep. Kottel

03:25:24 Chairman Wilson calls recess.
03:42:58 Chairman Wilson resumes hearing.

HEARING ON HB 542

Opening Statement by Sponsor:

03:43:04 Rep. Gordon Vance (R), HD 67, opened the hearing on
HB 542, Revise motorsports manufacturers unfair trade
practices laws.

Proponents' Testimony:

03:45:10 Kurt Lance, General Manager, Team Bozeman Motor Sports
03:52:44 Sue McCombs, Motorcycle Dealer, Billings, Montana
03:55:25 Steve Kaste, Motorsports Dealer, Great Falls, Montana

03:56:42 Glen Middlestead, Self, Helena Montana
03:57:26 Brad Griffin, Montana Equipment Dealers Association
03:59:53 Jackie VanBuren, Sports City Cyclery, Great Falls,
Montana
04:02:42 Brad Griffin, Montana Equipment Dealers Association
[EXHIBIT \(buh36a06\)](#)
04:03:04 Ronda Wiggers, Montana Snowmobile Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

04:05:06 Rep. Berry
04:05:29 Mr. Griffin
04:05:40 Rep. Berry
04:05:44 Mr. Griffin

Closing by Sponsor:

04:06:02 Rep. Vance

ADJOURNMENT

04:08:05 Adjournment 11:14 A.M.

Santella Baglivo, Secretary

sb

Additional Exhibits

Additional Documents:

EXHIBIT ([buh36aad.pdf](#))

EXHIBIT 3 BUH
DATE 2-16-09
WB 451

Amendments to House Bill No. 451
1st Reading Copy

Requested by Representative Bob Ebinger
For the House Business and Labor Committee

Prepared by Bartley Campbell
February 9, 2009 (1:40pm)

1. Page 1, line 22.
Following: "inspections"
Insert: "and tests"
2. Page 1, line 25.
Following: "inspections"
Insert: "and tests"
3. Page 1, line 26 through line 27.
Following: "necessary"
Strike: "and" on line 26 through "project" on line 27
4. Page 2, line 11.
Following: "inspections"
Insert: "and tests"

- END -

Amendments to House Bill No. 451
1st Reading Copy

EXHIBIT B BvH
DATE 2-16-09
HB 451

Requested by Representative Bob Ebinger

For the House Business and Labor Committee

Prepared by Bartley Campbell
February 16, 2009 (7:53am)

1. Page 1, line 13.

Strike: "\$100,000"

Insert: "\$25,000"

2. Page 1, line 22.

Following: "inspections"

Insert: "and tests"

3. Page 1, line 25.

Following: "inspections"

Insert: "and tests"

4. Page 1, line 26 through line 27.

Following: "necessary"

Strike: "and" on line 26 through "project" on line 27

5. Page 2, line 11.

Following: "inspections"

Insert: "and tests"

- END -

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Monday, February 16, 2009
Place: Capitol

Time: 9:00 am
Room: 172

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 444, HB 481

HB 542 HB 587 _____

HB 565 _____

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 284 Tabled _____

HB 323 Tie _____

HB 408 Tabled _____

HB 451 Pass _____

COMMENTS:



REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 2-16-09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare	X	
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock	X	
Rep. Mike Milburn	X	
Rep. Pat Noonan	X	
Rep. Scott Reichner	X	
Rep. Cary Smith	X	
Rep. Gordon Vance	X	
Rep. Jeffery Welborn	X	
Rep. Bill Wilson	X	



HOUSE STANDING COMMITTEE REPORT

February 16, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 451** (first reading copy – white) **do pass as amended.**

Signed: *Bill Wilson*
Representative Bill Wilson, Chair

And, that such amendments read:

1. Page 1, line 13.

Strike: "\$100,000"

Insert: "\$25,000"

2. Page 1, line 22.

Following: "inspections"

Insert: "and tests"

3. Page 1, line 25.

Following: "inspections"

Insert: "and tests"

4. Page 1, line 26 through line 27.

Following: "necessary"

Strike: "and" on line 26 through "project" on line 27

5. Page 2, line 11.

Following: "inspections"

Insert: "and tests"

- END -

Committee Vote:

Yes 14, No 4

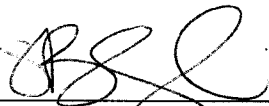
Fiscal Note Required ☐

HB0451001SC.hjd

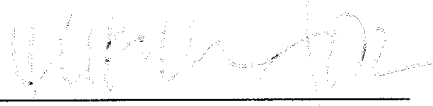
COMMITTEE FILE COPY

TABLED BILL

The **HOUSE BUSINESS AND LABOR COMMITTEE** TABLED **HB 284, HB 408**, by motion, on **Monday, February 16, 2009**.



(For the Committee)



(Chief Clerk of the House)

_____/_____
(Time) (Date)

February 16, 2009

Santella Baglivo, Secretary

Phone: 4457

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/16/09 BILL NO HB 284 MOTION NO. _____

MOTION: Amendment # 084.01, abc

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry		/	/
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/16/09 BILL NO HB284 MOTION NO. _____
 MOTION: _____

DO PASS

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	X		
Rep. Bill Beck		X	
Rep. Elsie Arntzen		X	
Rep. Shannon Augare	X		
Rep. Paul Beck	X	X	
Rep. Tom Berry		X	X
Rep. Carlie Boland	X		
Rep. John Fleming		X	
Rep. Timothy Furey		X	
Rep. Chuck Hunter	X		
Rep. Harry Klock		X	
Rep. Mike Milburn		X	
Rep. Pat Noonan	X		
Rep. Scott Reichner		X	
Rep. Cary Smith		X	
Rep. Gordon Vance		X	
Rep. Jeffery Welborn		X	
Rep. Bill Wilson	X		

6-12

Tabled

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/16/09 BILL NO HB323 MOTION NO. _____

MOTION: _____

Do Pass as Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhardt		/	
Rep. Bill Beck	/		
Rep. Elsie Arntzen	/		
Rep. Shannon Augare		/	
Rep. Paul Beck		/	
Rep. Tom Berry	/		/
Rep. Carlie Boland		/	
Rep. John Fleming		/	
Rep. Timothy Furey		/	
Rep. Chuck Hunter		/	
Rep. Harry Klock	/		
Rep. Mike Milburn	/		
Rep. Pat Noonan		/	
Rep. Scott Reichner	/		
Rep. Cary Smith	/		
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	/		
Rep. Bill Wilson		/	

9-9
Tie

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/16/09 BILL NO HB 408 MOTION NO. _____
 MOTION: _____

Do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		
Rep. Paul Beck		/	
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming		/	
Rep. Timothy Furey	/		
Rep. Chuck Hunter		/	
Rep. Harry Klock	/		
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn	/		
Rep. Bill Wilson	/		

8-10

Tabled

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/16/09 BILL NO HB 451 MOTION NO. _____
 MOTION: _____

Conceptual

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhardt	/		
Rep. Bill Beck	/		
Rep. Elsie Arntzen	/		
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry	/		
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock	/		
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

13-5

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/16/08 BILL NO HB 451 MOTION NO. _____

MOTION: _____

~~Roll Call Vote~~ Amended HB 451 01. abc

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhardt	/		
Rep. Bill Beck	/		
Rep. Elsie Arntzen	/		
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry	/		
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock	/		
Rep. Mike Milburn	/		
Rep. Pat Noonan	/		
Rep. Scott Reichner	/		
Rep. Cary Smith	/		
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	/		
Rep. Bill Wilson	/		

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Business & Labor

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Eric Dub

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB - 284		✓
HB - 323		✓
HB - 408		

BILL/AMENDMENT

AYE NO

Rep. Jim Dwyer
(Signature)

Date Feb 16, 2009

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 2/16

Bill No. HB 444 Sponsor(s) Rep. Kottel

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Joseph Allen	IBEW 233	X		
Terry Minow	MEA-MET	X		
Jerry Kirk	Dept. of Labor	X		
Jim Stone	TEAMsters	X		
JASON miller	Teamsters	X		
Robert Johnson	MT AFL-CIO	X		
Steve Gross	IAOE 400	X		
Harold Blatter	MACO		X	
J.D. Lynch	MT State Bd. of Trades	X		
Margaret Morgan	IEC		X	
Pete Johnson	NKIB		X	
Robert Bergsine	SMWIA Local 103	X		
Tom Ravanna	SIF		X	
Randa Wilcox	MT City Trns Assoc		X	
W. Ellwood	UUPH 100	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 2/16

Bill No. HB 481 Sponsor(s) Rep. Hendrick

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
LEONARD LUNDBY	MONTANA FIRE ALLIANCE	X		
John Semple	Montana Fire Alliance	X		
Jerry Kerk	Dept. of labor			X
Robert Johnson	MT AFL-CIO	X		
Bob Westling	MT DFL		X	
Bruce Charles	West End P&B	X		
Jacqueline Denmark	Am. Ind. Assn		X	
Bruce Specker/STL	PCIAA		X	
Nancy Butler	MT State Fund		X	
HAROLD BLATTIE	MACO		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 2/16

Bill No. AB 565 **Sponsor(s)** Rep. Foley

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Charlie Cromwell	Veterans	X		
FRANK COPE	BCBS MT	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 2/16

Bill No. HB 587 **Sponsor(s)** Rep Howard

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
SHAHID HAQUE-HANSRATH, GSE.			X	
MARY BEVELIDGE	SELF	X		
Jamie Greer	Human Rights NW		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 2/16

Bill No. HB 542 Sponsor(s) Rep. Vance

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Brad Griffin	Mt. Equip Dealers	X		
Glenn Middlestead	Mountain Rec Sports Dealers	X		
Steve Kaste	Mt. Powersports Dist	T		
CURT LANCE	Team Brennan	X		
Jacque VanBuren	Sports City Cycles/MPSON	X		
Steve Jones	B/S Cycles	X		
Steve McCamb	Hi-Tech Motor Sports	X		
Ronda Wiggers	Mt. Snowmobile Assoc	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Amendments to House Bill No. 450
1st Reading Copy

EXHIBIT 7
DATE 2-16-09
HB 450

Requested by Representative Julie French

For the House Business and Labor Committee

Prepared by Bartley Campbell
February 11, 2009 (2:42pm)

1. Title, line 6 through line 8.
Strike: "EXTENDING" on line 6 through "MCA;" on line 8
2. Title, line 8.
Following: "SECTIONS"
Insert: "2-18-1001,"
3. Title, line 9.
Following: "2-18-1002"
Insert: ", "
4. Page 1, line 22 through line 29.
Following: "section" on line 22
Strike: "that" on line 9 through "agreements." on line 29
Insert: ", an employee shall exhaust all available internal administrative remedies and upon exhaustion of all internal administrative remedies or if there are no internal administrative remedies available, the employee may seek relief in district court."
5. Page 2, line 1 through page 3, line 4.
Strike: sections 2 through 4 in their entirety
Renumber: subsequent sections
6. Page 3, line 6.
Following: "Sections"
Insert: "2-18-1001,"
Following: "2-18-1002"
Insert: ", "

- END -

Amendments to House Bill No. 452
1st Reading Copy

Requested by Representative Pat Noonan

For the House Business and Labor Committee

Prepared by Bartley Campbell
February 16, 2009 (6:36am)

1. Page 1, following line 16.

Insert: "(2) A signed claim for workers' compensation or occupational disease benefits authorizes disclosure to the workers' compensation insurer, as defined in 39-71-116, or to the agent of a workers' compensation insurer by the health care provider. The disclosure authorized by this subsection authorizes the physician or other health care provider to disclose or release only information relevant to the claimant's condition. Health care information relevant to the claimant's condition may include past history of the complaints of or the treatment of a condition that is similar to that presented in the claim, conditions for which benefits are subsequently claimed, other conditions related to the same body part, or conditions that may affect recovery. A release of information related to workers' compensation must be consistent with the provisions of this subsection. Authorization under this section is effective only as long as the claimant is claiming benefits. This subsection may not be construed to restrict the scope of discovery or disclosure of health care information, as allowed under the Montana Rules of Civil Procedure, by the workers' compensation court or as otherwise provided by law."

Renumber: subsequent subsection

- END -

Amendments to House Bill No. 481
1st Reading Copy

Requested by Representative Gordon Hendrick

For the House Business and Labor Committee

Prepared by Bartley Campbell
February 16, 2009 (6:39am)

1. Page 2, line 24.

Following: "cost to"

Insert: "themselves or"

2. Page 5, line 6.

Following: "attached"

Insert: "or otherwise connected"

3. Page 6, line 18.

Following: "(c)"

Strike: "Benefits"

Insert: "For the purposes of compensation, based on the
assumption that the volunteer firefighter has been earining
the statewide average wage for the 12 months preceding the
injury, benefits"

4. Page 8, line 5.

Following: "(c)"

Strike: "Benefits"

Insert: "For the purposes of compensation, based on the
assumption that the volunteer emergency medical technician
has been earining the statewide average wage for the 12
months preceding the injury, benefits"

- END -

Amendments to House Bill No. 565
1st Reading Copy

Requested by Representative Timothy Furey

For the House Business and Labor Committee

Prepared by Bartley Campbell
February 16, 2009 (6:31am)

1. Title, line 5.

Strike: "AND OTHER COSTS"

2. Page 1, line 19.

Following: "reimburse"

Strike: "any enrollment fees,"

Following: "premiums"

Strike: ", "

3. Page 1, line 20.

Strike: "deductibles, cost-sharing expenses, copayments, or other expenses that would otherwise have to be"

4. Page 2, line 2.

Following: "select"

Insert: "on or after July 1, 2009"

5. Page 2, line 30 through page 3, line 1.

Strike: "enrollment" on page 2, line 30 through "expenses" on page 3, line 1

Strike: "premiums"

- END -

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on March 20, 2009 at 9 A.M.,
in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Donald J. Steinbeisser (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Gregory D. Barkus (R)
Sen. Jim Peterson (R)
Sen. Carolyn Squires (D)
Sen. Sharon Stewart-Peregoy (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 404, HB 451, HB 544, 3/13/2009

Executive Action: HB 412, HB 378, HB 567 (partial),
HB 390 (partial)

EXECUTIVE ACTION ON HB 412

00:01:52 **Motion:** Sen. Steinbeisser moved that **HB 412 BE CONCURRED IN.**

00:02:15 **Motion:** Sen. Keane moved **TO AMEND HB 412.**
EXHIBIT(bus62a01)

Discussion:

00:02:49 Sen. Keane

00:03:16 Pat Murdo

00:03:43 **Substitute Motion/Vote:** Chairman Balyeat made a substitute motion that **HB 412 BE AMENDED** by segregating the amendments (Exhibit 1) and voting on #1,#4,#5. Motion carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Barkus, Sen. Squires, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:04:26 **Motion:** Chairman Balyeat moved that **HB 412 AS AMENDED BE CONCURRED IN.**

00:04:46 Pat Murdo

00:04:50 **Substitute Motion:** Sen. Keane made a substitute motion that **HB 412 AS AMENDED BE FURTHER AMENDED** by segregating the amendments (Exhibit 1) and voting on #2 and #3.

Discussion:

00:05:16 Sen. Keane

00:05:48 Chairman Balyeat

00:05:52 Sen. Keane

00:05:53 Sen. Barkus arrived.

00:05:56 Sen. Jackson

00:06:27 Sen. Brown

00:07:10 Chairman Balyeat

00:07:57 Pat Murdo

00:08:31 Chairman Balyeat

00:08:53 Sen. Brown

00:09:05 Sen. Keane

00:09:50 Chairman Balyeat

00:10:00 **Vote:** Motion on amendment failed 5-6 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted aye. Sen. Squires, Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:12:09 **Vote:** Motion on HB 412 AS AMENDED carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Squires, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy. Sen. Barkus will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 378

00:13:00 Chairman Balyeat

00:13:20 **Motion:** Sen. Tropila moved that **HB 378 BE CONCURRED IN.**

Discussion:

00:13:39 Sen. Jackson

00:14:05 Chairman Balyeat

00:14:51 **Vote:** Motion carried 10-1 by voice vote. Sen. Keane voted no. Sen. Squires, Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy. Sen. Wanzienried will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 567

00:16:08 **Motion:** Sen. Barkus moved that **HB 567 BE CONCURRED IN.**

00:16:32 **Motion:** Sen. Brown moved **TO AMEND HB 567.**

EXHIBIT(bus62a02)

Discussion:

00:17:00 Chairman Balyeat

00:17:31 Pat Murdo

00:17:37 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:17:59 **Motion:** Sen. Keane moved that **HB 567 AS AMENDED BE CONCURRED IN.**

Discussion:

00:18:33 Sen Tropila
00:18:36 Sen. Keane
00:18:58 Sen. Barkus
00:19:42 Sen. Jackson
00:21:28 Sen. Tropila
00:21:42 Chairman Balyeat
00:21:50 Pat Murdo
00:22:10 Chairman Balyeat
00:24:59 Sen. Keane
00:25:50 Sen. Barkus
00:26:45 Chairman Balyeat
00:27:13 Sen. Brown
00:28:32 Sen. Barkus
00:29:49 Chairman Balyeat
00:29:53 Pat Murdo
00:31:24 Sen. Barkus
00:32:01 Sen. Brown
00:32:37 Sen. Steinbeisser
00:32:47 Pat Murdo
00:33:22 Chairman Balyeat
00:36:12 Sen. Jackson
00:36:34 Chairman Balyeat
00:36:41 Sen. Jackson
00:37:24 Pat Murdo
00:37:55 Sen. Brown
00:38:04 Chairman Balyeat

00:38:25 Sen. Keane withdrew his motion on HB 567 AS AMENDED.

Note: The Committee wants to get more information
before proceeding with HB 567.

00:38:54 Chairman Balyeat

Discussion on HB 390:

00:39:47 Chairman Balyeat
00:41:46 Pat Murdo

EXHIBIT (bus62a03)

00:42:19 Chairman Balyeat
00:42:43 Sen. Brown
00:43:03 Pat Murdo
00:43:51 Chairman Balyeat
00:44:55 Pat Murdo
00:45:01 Sen. Tropila
00:45:13 Pat Murdo
00:45:31 Sen. Keane

00:46:00 Pat Murdo
00:48:06 Chairman Balyeat
00:48:15 Sen. Keane
00:48:37 Chairman Balyeat

00:49:12 Recess
00:58:23 Resume

Note: Sen. Jackson assumed the position of Chair.

HEARING ON HB 544

Opening Statement by Sponsor:

00:59:28 Rep. Chas Vincent (R), HD 2, opened the hearing on HB 544, Require disability insurers to refund prepaid premiums without fees or penalties.

EXHIBIT (bus62a04)

Proponents' Testimony:

01:01:21 Susan Witte, Allegiance Life and Health Insurance; also speaking for Tanya Ask, New West Insurance, and Dennis Lopach, America's Health Insurance Plans

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:03:07 Rep. Vincent

HEARING ON HB 451

Opening Statement by Sponsor:

01:04:20 Rep. Bob Ebinger (D), HD 62, opened the hearing on HB 451, Require disclosure and warranties by builder or developer of new residences.

EXHIBIT (bus62a05)

Proponents' Testimony:

01:07:02 Rick Hill, Montana Building Industry Association
01:10:56 Byron Roberts, retired Helena home builder, Montana
Building Industry Association (MBIA)
01:14:02 Jack Walsh, Helena Building Industry Association
01:15:52 Glen Oppel, Montana Association of Realtors

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:16:35 Sen. Brown
01:18:17 Rick Hill
01:18:37 Sen. Tropila
01:18:41 Byron Roberts
01:18:53 Vice Chairman Jackson
01:18:59 Rep. Ebinger
01:19:13 Vice Chairman Jackson
01:20:54 Rick Hill
01:21:49 Sen. Keane
01:21:54 Rick Hill
01:22:30 Vice Chairman Jackson
01:23:11 Byron Roberts

Closing by Sponsor:

01:23:46 Rep. Ebinger

HEARING ON HB 404

Opening Statement by Sponsor:

01:28:34 Rep. Michele Reinhart (D), HD 97, opened the hearing on
HB 404, Uniform standards for certificates of survey
and final subdivision plats.

Proponents' Testimony:

01:30:09 Myra Shults, land use attorney consultant, Montana
Association of Counties
01:31:25 Sen. Dan McGee, SD 29
01:32:09 Joe Roberts, Montana Association of Registered Land
Surveyors (MARLS) and former Senator
01:32:30 Tim Davis, Montana Smart Growth Coalition

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:33:06 Vice Chairman Jackson

01:33:39 Joe Roberts

01:34:11 Sen. Tropila

Closing by Sponsor:

01:34:47 Rep. Reinhart

01:35:24 Vice Chairman Jackson

ADJOURNMENT

Adjournment: 10:38 A.M.

Linda Keim, Secretary

lk

Additional Documents:

EXHIBIT ([bus62aad.pdf](#))

BUSINESS & LABOR

EXHIBIT NO. 5
DATE 3-20-09
BILL NO. HB 451**Bob Ebinger**

From: eileen mcgovern [mcgov00@hotmail.com]
Sent: Thursday, July 03, 2008 6:34 PM
To: rhawk@bresnan.net
Cc: mcgov00@msn.com; JP Pomnichowski
Subject: contractor reform

Hi, my name is Eileen McGovern. I live in Bozeman, Montana. I have been corresponding with Bev Perry and Joy Ooka for several months now - since my son sent me Joy's letter that appeared in the Billings Gazette. As far as I know, her letter has not appeared in the Bozeman paper.

Our contractor walked, liened us and sued us. We have learned over almost four years of litigation that we are missing several footings and basement headers over our windows. The concrete garage walls are cracked all of the way through in two spots. Our furnace is less than half the size of the one specified on the approved plans. We freeze every winter. Our two story living room wall is cracking and we are being told it is flexing because it was not framed properly. There is a lot more, but I don't want to list everything here. The house may not be fixable and even if it is, we are being told it would most likely be cheaper to demolish it and rebuild.

He sued us even though his contract required disputes be resolved through mandatory arbitration. We have since learned that having been sued, any consumer protection and possible criminal investigation are denied us. It is an excellent tactic. We can't even file a complaint with the BBB. State agencies have replied over the last few years that they don't get involved when there is ongoing litigation. Interesting thing is that we went to the police asking for an investigation only a few days after receiving a termination letter and a 'final bill' for a completed home. The husband and wife builders tried to obtain money - the same amount as their final bill - from our mortgage fund without our knowledge or consent. The title company woman called us and we went to the police. Well, they then sued us in civil court. Soon after, the police officer told us our case would be better suited there. We have tried again to get some kind of investigation and our pleas fall on deaf ears. Sheriff's deputy told us, 'he countered.' That was it. We were liened by a supplier for materials we had paid the builder for - so had to pay again.

We did everything we thought we could in hiring these two. I called the State to check on his registration. We actually stayed in a friend's house which he built. He lived around the corner and was on the Homeowner Assn Board. We never saw this coming. I have written to the State about their worthless commercials on hiring a 'registered' contractor. It gives folks a false sense of security. I have asked the State what would make one not be able to be a registered contractor. I was told only two things. Nonpayment of the \$53 or if he/she lets someone use his/her number.

Well, after sinking our life savings into this house, we are almost \$200,000 in debt for our legal fees with no end in sight. Civil litigation is expensive and, combined with the stress that comes with it, has ruined our lives and my health. It is impossible to be able to recoup our losses at our age. Needless to say, the builders' insurance company is paying for his defense.

Even if we can afford to stay in until we get a trial and get a judgment-possibly over a year and a half from now - we may not collect a dime. Contractors can hide their assets and/or declare bankruptcy. We were even told that if a contractor declares bankruptcy, our suit could be thrown out because it is a liability while his suit against us would stay as it is an asset. Also, even were he to give us a check for millions, if he declares bankruptcy within a given period of time, that money would have to be paid back - even if we had spent it. We would be considered preferred creditors. In a bankruptcy proceeding, they would not allow one creditor to get money while others get nothing.

Also, we have brought the City into our suit. The framing and foundation were written up as approved on the inspection sheet.

7/4/2008

We have had a truck pull up on the empty lot next door flashing its lights into our bedroom window at dusk. We had septage thrown on our door while we were out of town. We had a 6x8 foot third story window broken with a chunk of concrete at 1:20 a.m. The matching window was spared as the thrower missed and just dented the soffit. We don't know who did all of these acts. We live on a cul-de-sac so we are not on the way to anywhere. We were the only people in our neighborhood who had any of these problems. Even the investigating officer said we were 'targeted.'

We have been sued for filing a complaint with the Consumer Protection Agency - which didn't help us at all. We were sued for reporting the septage incident to the police. We have learned that the builder told folks and some subs and suppliers that we did not pay him. We paid him every penny he asked for until he called a termination because - he said - we talked to subs!

So, as you can see, we feel the legal cards are stacked against the consumer. The lien is still on our house as our first attorney didn't tell us we could bond it off. He had problems we only learned about later. Liens can be filed with no proof whatsoever. Once you are liened and sued, it is virtually impossible to get a home loan to help you pay your legal bills. Your construction loan funds are frozen. No lender in town would give us a loan. We were only able to get a small one on the internet.

I could go on and on, but I will stop here. We were not aware of the lack of protection until we needed it. Even the media here does not seem interested. I am being told by folks that their legislators are telling them that they are not aware of this problem. Lack of reporting by the media may be partly to blame. Joy's letter did not appear in the Bozeman Chronicle. I have written to an editor and a reporter about the 'silence' here in Bozeman. Didn't do any good.

If you would like to stop and see the house while you are in Bozeman, please give us a call. Our number is 556-9714. We are located in Bridger Creek at 801 Turnberry Court. Thanks for your time.

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Friday, March 20, 2009
Place: Capitol

Time: 9 am
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 404, HB 451, HB 544

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BC AA (be concurred in as amended):

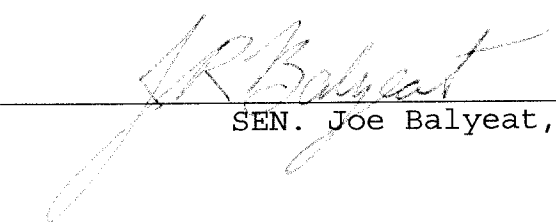
HB 412 BC AA _____

HB 378 BC _____

HB 567 (partial) _____

HB 390 (partial) _____

COMMENTS:



SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 3-20-09 Fri.

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOE BALLYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS		✓
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES		✓
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY		✓
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY		✓



SENATE STANDING COMMITTEE REPORT

March 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 412** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Gregory Barkus

And, that such amendments read:

1. Title, page 1, line 6.

Following: "PROVIDING"

Insert: "AN IMMEDIATE EFFECTIVE DATE AND"

2. Page 2, line 1.

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Renumber: subsequent section

3. Page 2, line 2 through line 3.

Strike: "September" on line 2 through "30" on line 3

Insert: "July 1"

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0412001SC02666.sdr

DR



SENATE STANDING COMMITTEE REPORT

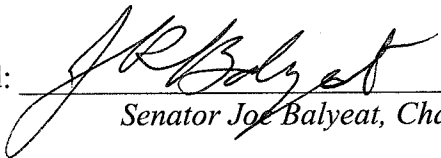
March 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 378** (third reading copy -- blue) **be concurred in.**

Signed: _____


Senator Joe Balyeat, Chair

To be carried by Senator David Wanzenried

- END -

Committee Vote:

Yes 10, No 1

Fiscal Note Required ☐

HB0378001SC01403.sdr

DR

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 3-20-09 BILL NO. _____ MOTION NO. _____
 MOTION: _____

HB 412 #2 - #3
Amendment HC 04/20/1, a pm

filed
5-6

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON		✓	
SENATOR CAROLYN SQUIRES	✓		✓
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY	✓		✓
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		✓
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR JOE BALYEAT, CHAIRMAN		✓	

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from BUSINESS & LABOR Committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

[illegible]

Sen. 
(Signature)

Date 3/20/09

AUTHORIZED SENATE COMMITTEE PROXY

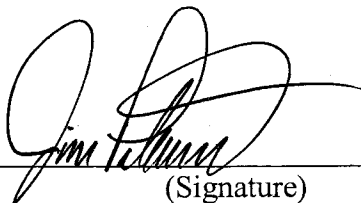
I request to be excused from Business & Labor committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 412	X	
HB 378	X	
HB 567	X	

BILL/AMENDMENT	AYE	NO
HB 04/201. ^{1,4+5} a p m	X	
HB 04/201. ²⁺³ a p m		X

Sen. 
(Signature)

Date 3/20/09

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from BUSINESS & LABOR Committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

[illegible]

Sen. Carolyn Spivak
(Signature)

Date 3/20/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR Committee because of other commitments. I desire to leave my proxy vote with:

SEN JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 412 AMEND	✓	✗	1-4-5 OF 041201 apm		
" "	✓	✗	2 & 3 OF " "		
HB 412 AS AMENDED	✓				
HB 378	✓				
HB 567 AMEND	✓		HB 056701 apm		
HB 567 AS AMENDED	WD		MOTION WITHDRAWN		

Sen. Stewart Peregoy
(Signature)

Date 3/20/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Business + Labor committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

HB 041201.14 + 5	✓	

sen.

(Signature)

Date

3/20/09

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 8-20-09

Bill No. HB 400 **Sponsor(s)** E. Sawyer

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
JACK WALSH	HELENA BUILDING	✓		
Byron Roberts	INDUSTRY ASSOC SELF	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 8-20-09

Bill No. H.R. 404 **Sponsor(s)** Reintroduced

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Myra Shultz	IFIA/MACO	✓		
Joe Riserate	MARLS	✓		
Tim Davis	MSCC	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 3-26-09

Bill No. HB 544 **Sponsor(s)** Vincent

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Susan C. White	Allagiance	✓		
Dennis Hopach	ANIP	✓		
Tanya Ask	New West	✓		
Frank Cote	BBB	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on March 24, 2009 at 9 A.M.,
in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Gregory D. Barkus (R)
Sen. Jim Peterson (R)
Sen. Carolyn Squires (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 345, HB 572, 3/13/2009

Executive Action: HB 286, HB 542, HB 567, HB 404, HB
451, HB 544

00:01:24 Chairman Balyeat

EXECUTIVE ACTION ON HB 567

00:02:28 **Motion:** Sen. Brown moved that **HB 567 BE CONCURRED IN.**

00:03:37 **Motion:** Sen. Brown moved **TO AMEND HB 567.**

EXHIBIT (bus65a01)

Discussion:

00:03:53 Pat Murdo

00:04:36 Chairman Balyeat

00:04:43 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen.
Windy Boy voted by proxy.

00:04:52 **Motion:** Sen. Brown moved **HB 567 AS AMENDED BE
CONCURRED IN.**

Discussion:

00:06:10 Chairman Balyeat

00:07:50 Sen. Jackson

00:08:08 Chairman Balyeat

00:08:18 Bruce Spencer, Montana Automobile Dealers

00:08:38 Sen. Jackson

00:08:56 Bruce Spencer

00:10:06 Chairman Balyeat

00:10:24 **Vote:** Motion carried 10-1 by roll call vote. Sen.
Balyeat voted no. Sen. Barkus, Sen. Peterson, Sen.
Squires, and Sen. Windy Boy voted by proxy. Sen. Brown
will carry the bill on the Senate floor.

00:13:10 Sen. Barkus arrived.

EXECUTIVE ACTION ON HB 286

00:13:27 **Motion:** Sen. Steinbeisser moved that **HB 286 BE
CONCURRED IN.**

Discussion:

00:14:00 Pat Murdo

00:14:22 Chairman Balyeat

00:15:20 **Motion:** Sen. Keane moved **TO AMEND HB 286.**

[EXHIBIT \(bus65a02\)](#)

Discussion:

00:15:57 Sen. Brown
00:16:01 Chairman Balyeat
00:16:19 Pat Murdo

00:17:00 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted
by proxy.

00:17:25 **Motion:** Sen. Keane moved that **HB 286 AS AMENDED BE
CONCURRED IN.**

Discussion:

00:17:41 Sen. Jackson
[EXHIBIT \(bus65a03\)](#)

Note: Exhibit 3 is an amendment that was passed out
and discussed, but not acted upon.

00:18:17 Chairman Balyeat
00:18:38 Sen. Jackson
00:20:55 Chairman Balyeat
[EXHIBIT \(bus65a04\)](#)

00:22:16 Sen. Jackson
00:23:13 Sen. Brown
00:23:31 Sen. Jackson
00:23:45 Sen. Keane
00:24:43 Sen. Steinbeisser

00:25:15 Sen. Brown left the room.

00:25:22 Sen. Tropila
00:25:48 Sen. Barkus
00:26:58 Sen. Keane

00:28:52 **Vote:** Motion failed 2-9 by roll call vote. Sen.
Squires and Sen. Jackson voted aye. Sen. Brown, Sen.
Peterson, Sen. Squires, and Sen. Windy Boy voted by
proxy.

00:29:03 **Motion/Vote:** Chairman Balyeat moved that **HB 286 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled 9-2 by unanimous agreement of those present.

00:29:10 Sen. Keane

EXECUTIVE ACTION ON HB 542

00:29:40 **Motion:** Sen. Keane moved that **HB 542 BE CONCURRED IN.**

Discussion:

00:29:55 Pat Murdo

00:32:22 Sen. Brown returned.

00:33:06 Sen. Barkus

00:33:35 Pat Murdo

00:34:23 Chairman Balyeat

00:35:43 Pat Murdo

00:37:38 **Vote:** Motion carried 8-3 by voice vote. Sen. Barkus, Sen. Brown, and Sen. Peterson voted no. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Tropila will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 544

00:39:44 **Motion:** Sen. Keane moved that **HB 544 BE CONCURRED IN.**

00:40:03 **Motion:** Sen. Brown moved **TO AMEND HB 544.**

EXHIBIT(bus65a05)

00:41:07 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy.

00:41:23 **Motion:** Sen. Brown moved that **HB 544 AS AMENDED BE CONCURRED IN.**

Discussion:

00:41:42 Sen. Jackson

00:42:12 Chairman Balyeat

00:42:23 Pat Murdo

00:42:51 Chairman Balyeat

00:42:58 Sen. Brown

00:43:17 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 451

00:44:18 **Motion:** Sen. Steinbeisser moved that **HB 451 BE CONCURRED IN.**

Discussion:

00:44:35 Sen. Brown
00:44:53 Sen. Tropila
00:45:05 Sen. Brown
00:46:57 Sen. Tropila
00:47:30 Sen. Brown
00:47:34 Chairman Balyeat
00:47:43 Sen. Jackson
00:48:22 Sen. Steinbeisser

00:48:38 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Jackson will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 404

00:49:49 **Motion:** Sen. Brown moved that **HB 404 BE CONCURRED IN.**

Discussion:

00:50:02 Sen. Brown
00:50:39 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. McGee will carry the bill on the Senate floor.
00:51:25 Recess
00:51:33 Resume
00:57:52 Chairman Balyeat

HEARING ON HB 345

Opening Statement by Sponsor:

00:59:01 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 345, Damages for unfair claims settlement practices.

01:03:00 Chairman Balyeat left the room. Vice Chair Jackson assumed the position of Chair.

Proponents' Testimony:

01:09:08 Rick Anderson, Butte attorney

EXHIBIT (bus65a06)

01:19:17 Rita Munson, self, Helena

01:22:47 Milt Munson, self, Helena

01:24:13 Mike Wheat, Trial Lawyer, Bozeman

01:27:16 Tom Beers, Attorney, Missoula

01:29:47 Al Smith, Montana Trial Lawyers

EXHIBIT (bus65a07)

Opponents' Testimony:

01:38:44 Bob Phillips, Attorney, Missoula

01:47:29 Curt Drake, Mountain West Farm Bureau Insurance

01:49:42 Bill Price, partner, First West Insurance, and
Independent Insurance Agent, Bozeman

01:52:57 Bruce Spencer, Property Casualty Insurers Association

01:56:17 Mona Jamison, The Doctors Company

02:02:41 Greg VanHorssen, State Farm Insurance

02:04:59 Bob Biskupiak, Independent Insurance Agents Association
of Montana

02:05:58 Spook Stang, Executive Vice President, Montana Motor
Carriers Association

02:06:45 Jon Metropoulos, Farmers Insurance Group

02:09:36 Dennis Lopach, Americas Health Insurance Plans

02:10:28 Jon Bennion, Montana Chamber of Commerce

02:11:19 Riley Johnson, National Federation of Independent
Business

02:11:42 Amy Grmoljez, Yellowstone Insurance Exchange and
Montana Hospital Association

02:12:33 Tanya Ask, New West Health Services, also representing
Susan Witte, Allegiance Life and Benefit

02:13:07 Don Allen, Insurance and Financial Advisers Association

02:13:54 Bob Worthington, Montana Municipal Insurance Authority

02:14:48 Roger McGlenn, Attorney Liability Protection Society
(ALPS)

02:15:22 Tim Fitzpatrick, Montana School Boards Association and
Montana Schools Group Insurance Authority

02:15:52 Jacqueline Lenmark, American Council of Life Insurers,
and American Insurance Association

[EXHIBIT \(bus65a08\)](#)

Informational Testimony: None

02:17:00 Sen. Balyeat returned but did not assume the position
of Chair.

Questions from Committee Members and Responses:

02:18:48 Sen. Balyeat

02:21:55 Bob Phillips

02:22:57 Chairman Balyeat

02:24:22 Rep. K. Peterson

02:24:44 Sen. Tropila

02:25:26 Vice Chairman Jackson

02:26:14 Rep. K. Peterson

Closing by Sponsor:

02:27:27 Rep. Peterson

02:31:54 Sen. Balyeat assumed the position of Chair.

HEARING ON HB 572

Opening Statement by Sponsor:

02:33:21 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 572, Small Business Innovative Research.

[EXHIBIT \(bus65a09\)](#)

Proponents' Testimony:

02:44:35 Anne Marie Quinn, founder, Montana Molecular, Bozeman,
member of Montana Bioscience Alliance

[EXHIBIT \(bus65a10\)](#)

02:51:45 Sen. Balyeat left the room. Sen. Jackson assumed the
position of Chair.

02:51:46 Rob Bargatze, Founder, LigoCyte Pharmaceuticals and
Chairman, Montana Bioscience Alliance

02:55:13 Dave Poulsen, Big Sky Biotech

02:56:18 Sharon Peterson, Executive Director, Montana Bioscience
Alliance

02:57:37 Jay Le Prowse, BN Builders Incorporated
02:58:57 Riley Johnson, National Federation of Independent
Business (NFIB)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:59:46 Sen. Barkus
03:00:15 Rep. Pomnichowski
03:03:12 Anne Marie Quinn
03:04:02 Sen. Brown
03:04:34 Rep. Pomnichowski
03:05:45 Anne Marie Quinn

03:06:24 Sen. Balyeat returned and assumed the position of
Chair. Sen. Jackson left the room.

03:07:17 Chairman Balyeat
03:08:02 Anne Marie Quinn
03:10:36 Rep. Pomnichowski

Closing by Sponsor:

03:11:53 Rep. Pomnichowski

03:12:38 Chairman Balyeat

ADJOURNMENT

Adjournment: 12:16 P.M.

Linda Keim, Secretary

lk

Additional Documents:

EXHIBIT ([bus65aad.pdf](#))

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Tuesday, March 24, 2009
Place: Capitol

Time: 10⁰⁹am
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 345, HB 572

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

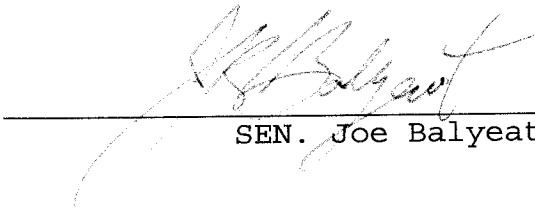
HB 286 Talled HB 451 Bc _____

HB 542 Bc HB 544 BCAA _____

HB 567 BCAA _____

HB 404 Bc _____

COMMENTS:



SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 3-24-09 Tues.

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOE BALLYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS		✓
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES		✓
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY	✓	
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY		✓



SENATE STANDING COMMITTEE REPORT

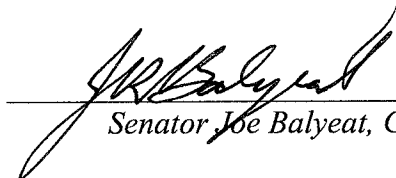
March 24, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 567** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____


Senator Joe Balyeat, Chair

To be carried by Senator Roy Brown

And, that such amendments read:

1. Page 9, line 25.

Following: "franchisee"

Insert: "or another new motor vehicle dealer of the franchisor in the area"

2. Page 9, line 28.

Following: "(8)"

Insert: "or another new motor vehicle dealer of the franchisor in the area"

3. Page 14, line 21 through line 22.

Following: "dealer"

Strike: "," on line 21 through the first "dealer," on line 22

- END -

Committee Vote:

Yes 10, No 1

Fiscal Note Required ☐

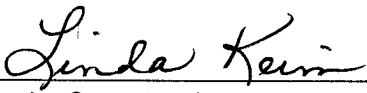
HB0567001SC00447.sdr

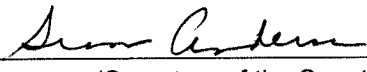
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COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED HB 286, by motion, on **Tuesday, March 24, 2009**.


(For the Committee)


(Secretary of the Senate)

1100, 3/24
(Time) (Date)

March 24, 2009

Linda J. Keim, Secretary

Phone: 444-4772



SENATE STANDING COMMITTEE REPORT

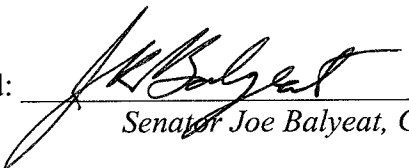
March 24, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 542** (third reading copy -- blue) **be concurred in.**

Signed: _____


Senator Joe Balyeat, Chair

To be carried by Senator Joseph (Joe) Tropila

- END -

Committee Vote:

Yes 8, No 3

Fiscal Note Required ____

HB0542001SC02657.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 24, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 544** (third reading copy -- blue) be concurred in as amended.

Signed: _____

A handwritten signature in black ink, appearing to read "Joe Balyeat", written over a horizontal line.

Senator Joe Balyeat, Chair

To be carried by Senator Roy Brown

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "UNUSED"

Insert: "UNEARNED"

2. Page 1, line 12.

Strike: "unused"

Insert: "unearned"

3. Page 1, line 14.

Strike: "unused"

Insert: "unearned"

4. Page 1, line 14.

Following: "premium."

Insert: "The disability insurer may consider premium to be earned only on a calendar month basis."

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0544001SC00447.sdr

de



SENATE STANDING COMMITTEE REPORT

March 24, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 451** (third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in cursive script, appearing to read "Joe Balyeat".

Senator Joe Balyeat, Chair

To be carried by Senator Verdell Jackson

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0451001SC00436.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 24, 2009
Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 404** (third reading copy -- blue) **be concurred in.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Dan McGee

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ____

HB0404001SC02648.sdr

DR

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 3-24-09 BILL NO HB 286 MOTION NO. _____
 MOTION: _____

HB 286 BCAF

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON		✓	
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALLYEAT, CHAIRMAN		✓	

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Table

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 3-24-09 BILL NO HB567 MOTION NO. _____

MOTION: HB567 BCAA

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALLYEAT, CHAIRMAN		✓	

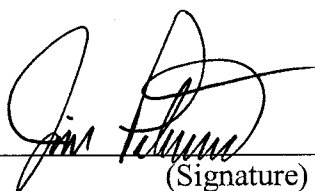
AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Business & Labor committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 567	X		HB 056701. a/m	X	
HB 286		X	HB 028601. a/m	X	
HB 542		X	HB 054401. a/m	X	
HB 544	X				
HB 451	X				
HB 404	X				

Sen.  (Signature) Date 3/24/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Business & Labor committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 567	X	

BILL/AMENDMENT

AYE NO

HBo 567 del. arm	X	

Sen. _____

(Signature)

Date

3/24/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 567 AMEND	✓		HB 567 01 apm		
HB 567 AS AMENDED	✓				
HB 286 AMEND	✓		HB 286 01 apm		
HB 286 AS AMENDED	✓				
HB 542	✓				
HB 544 AMEND	✓		HB 544 01 apm		
HB 544 AS AMENDED	✓				
HB 451	✓				
HB 404	✓				

Sen. Candyn Guines
(Signature)

Date 3/24/09

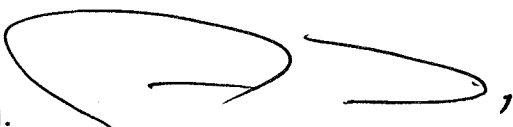
AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL /AMENDMENT	AYE	NO
HB 567 AMEND	✓		HB 567 01 2pm		
HB 567 AS AMENDED	✓				
HB 286 AMEND	✓		HB 286 01 2pm		
HB 286 AS AMENDED		✓			
HB 542	✓				
HB 544 AMEND	✓		HB 544 01 2pm		
HB 544 AS AMENDED	✓				
HB 451	✓				
HB 404	✓				

Sen. 
(Signature)

Date 3/24/09

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from Business & Labor committee
because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments,
list them by name and number under the bill and indicate a separate vote
for each amendment.

~~BILL/AMENDMENT~~

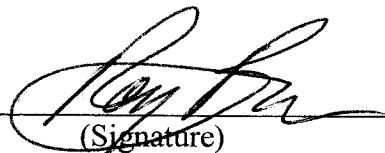
AYE NO

HB 286		X

~~BILL/AMENDMENT~~

AYE NO

Sen. _____


(Signature)

Date _____

3/24/09

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 2-24-09

Bill No. 117 Sponsor(s) Sen. ...

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
<i>Regina Bernmark</i>	<i>AIA; ALI</i>		<i>X</i>	
<i>Con Metropoulos</i>	<i>Garmus Ins</i>		<i>X</i>	
<i>Don Van Housen</i>	<i>State Farm Ins</i>		<i>X</i>	
<i>Rick Anderson</i>	<i>self</i>	<i>X</i>		
<i>Lita Munson</i>	<i>"</i>	<i>X</i>		
<i>Milt Munson</i>	<i>"</i>	<i>X</i>		
<i>Tom Beers</i>	<i>self</i>	<i>X</i>		
<i>Bill Price</i>	<i>self</i>	<i>X</i>	<i>X</i>	
<i>Dennis Logg</i>	<i>AHIP</i>		<i>X</i>	
<i>Roger McBlenn</i>	<i>ALPS</i>		<i>X</i>	
<i>MIKE WHEAT</i>	<i>Self</i>	<i>X</i>		
<i>Barry Spencer</i>	<i>PLP</i>		<i>X</i>	
<i>Bob Weatherly</i>	<i>MSIP</i>		<i>X</i>	
<i>Bob Biskupick</i>	<i>ITAA</i>		<i>X</i>	
<i>Bob Phillips</i>	<i>FN MIC</i>		<i>X</i>	
<i>Don Allen</i>	<i>NATFA - MT</i>		<i>X</i>	
<i>Mum Jamison</i>	<i>Doctors' CO</i>		<i>X</i>	
<i>Angie Ask</i>	<i>New West Bank</i>		<i>X</i>	
<i>Frank Cate</i>	<i>BCBS</i>		<i>X</i>	
<i>CURT DRAKE</i>	<i>MTN/West F.B.</i>		<i>X</i>	
<i>Bobby Searcy</i>	<i>MMCA</i>		<i>X</i>	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Anne Grouser

MHA/Yellowstone Insurance Exchange

Mum Jamison

allstate

Tim Fitzpatrick

NTSBA

(X)
(X)
(X)

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 3-24-09

Bill No. 1-2 S22 Sponsor(s) Pomnickowski

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
DAVE Poulson	By Sky Biotech	✓		
Sharon Peterson	MT BioScience All	✓		
Anne Marie Quinn	Montana Molecular	✓		
Jay LeProwse	BN Builders INC	✓		
Riley Johnson	NFIB	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.